IN RE: PETITION FOR ZONING VARIANCE NE/S Poplar Road, 275' NW of the c/l of Riverside Road (350 Poplar Road) 15th Election District 5th Councilmanic District

Petitioners

Roy B. Smith, Jr., et ux

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 90-148-A

* * * * * * * * * * FINDINGS OF FACT _ O CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 0 feet in lieu of the required minimum of 7.5 feet for an open projection (carport) in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testamony indicated that the subject property, known as 350 Poplar Road, consists of 10,000 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and separate garage. Petitioners testified they purchased the subject property 7 years ago and shortly thereafter constructed the garage as depicted in Petitioner's Exhibit 2. Due to storm water drainage and runoff problems Petitioners have not been able to use the garage for storage of vehicles, but strictly as storage space for 5 their personal belongings. Petitioners are therefore desirous of attaching an open carport to the east side of the house as set forth in Petitioner's Exhibit 1. Testimony indicated that the carport cannot be constructed without the requested variance due to the width of the lot. Further testimony indicated that gutter systems will be installed on the carport to insure proper storm water runoff. Petitioners testified they have spoken with the adjoining affected property owners who have no objections

to their plans. Testimony further indicated that the granting of the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted, as modified. There is no evidence in the record that a variance would adversely affect no health, safety, and r general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance, as hereinafter modified, should be granted.

THEREFORE, IT IS, CRDERED by the Deputy Zoning Commissioner for Baltimore County this ______day of November, 1989 that a variance to permit a side yard setback of 1 foot in lieu of the required minimum of 7.5 feet for an open projection (carport), be approved, and as such, the Petition for Zoning Variance is hereby CRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The variance granted herein is limited to a 1foot side yard setback for an open projection (carport) in the location shown on Petitioner's Exhibit 1.

3) The proposed carport shall be constructed with proper drainage and gutter systems in such a manner that all storm water runoff shall be directed away from adjoining properties.

> ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

Mr. & Mrs. Roy B. Smith, Jr.

Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE NE/S Poplar Road, 275' NW of the c/l of Riverside Road (350 Poplar Road) 15th Election District - 5th Councilmanic District Roy B. Smith, Jr., et ux - Petitioners Case No. 90-148-A

Dear Mr. & Mrs. Smith:

350 Poplar Road

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

November 7, 1989

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

12 of Westervery ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

CERTIFICATE OF PUBLICATION

AMN:bjs

File

cc: People's Counsel

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for NE-26 Variance from Section __ 1B02.3.8 and 301_1___ ---To-permit a O ft. side ward setback-in-lieu of the----minimum 7.5 ft. for an open projection (open carport) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. The lots in the area are to NArrow to allow for a corport . We would like to put a basement Exit on the side under the Carport (fire Exit) We fell that a carport will help keep water out of the Basement exit Plus a carport will help the current problem in are Basement Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Roy B. Smith JR & Barbon Clare Smith

(Type or Print Name) City and State Attorney for Petitioner Name, address and phone number of legal owner, con tract purchaser or representative to be contacted

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

B 10 Chanene35; C:a 13. F Tracking System

Baltimore County Zoning Commissioner Office of Planning & Zoning TYPE Identification Number Roy + Barbera Petitioner: Smith (middle initial) Property Address: 350 (Number)

> Date of Posting 19/15/89 Location of property: NE/S Poplar Rd. 775 NW / Rivarsida Rd 350 Porlar PL Location of Signer Foring Poplar Rd, approx. 12 Fr. you Sway

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Petition for Zoning Variance
Case number: 90-148-A
NE/S of Poplar Road, 275'
NW c1 of Riverside Road
350 Poplar Road
15th Election District
5th Councilmanic
Petitioner(s):
Roy B. Smith, Jr., et ux
Hearing Date: Wednesday,
Nov. 1, 1989 at 9:30 a.m. Variance: to permit a 0 foot Variance: to permit a 0 foot side yard setback in lieu of the minimum 7.5 feet for an open projection (open carport). In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing sat above or

date of the hearing set above or presented at the hearing.

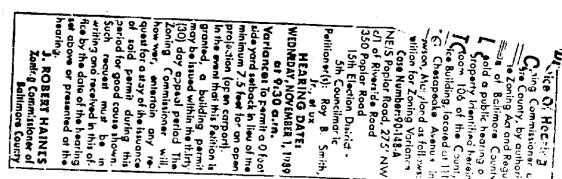
Zoning Commissioner of Baltimore County 10/022 Oct. 5.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Oct 5, 1989.

THE JEFFERSONIAN,

PO17239 reg M34221

Z



BALTIMORE COUNTY, MARYLAND OFFIGER F FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353 J. Robert Haines
Zoning Commissioner DATE 10/20/89 Mr. & Mrs. Roy B. Smith, Jr. 350 Poplar Road Baltimore, Maryland 21221 Dennis F. Rasmussen County Executive Re: Petition for Zoning Variance CASE NUMBER: 90-148-A NE/S of Poplar Road, 275' NW c/l of Riverside Road 350 Poplar Road 15th Election District - 5th Councilmanic Petitioner(s): Roy B. Smith, Jr., et ux HEARING: WEDNESDAY, NOVEMBER 1, 1989 at 9:30 a.m. Dear Mr. & Mrs. Smith:

Please be advised that \$ 108.60 is due for advertising and posting of the above captioned property.

THIS FOR MUST BE PAID AND THE ZONING SIGN & POST SET(S)

RETURNED G. THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NO. REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

JRH:gs cc: File Baltunor: County
Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 3. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-148-A NE/S of Poplar Road, 275' NW c/l of Riverside Road 350 P war Road 15th Election District - 5th Councilmanic Petitioner(s): Roy B. Smith, Jr., et ux HEARING: WEDNESDAY, NOVEMBER 1, 1989 at 9:30 a.m.

Variance: To permit a O foot side yard setback in lieu of the minimum 7.5 feet for an open projection (open carport).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. Robert faires

BALTIMORE COUNTY, MARYLAND

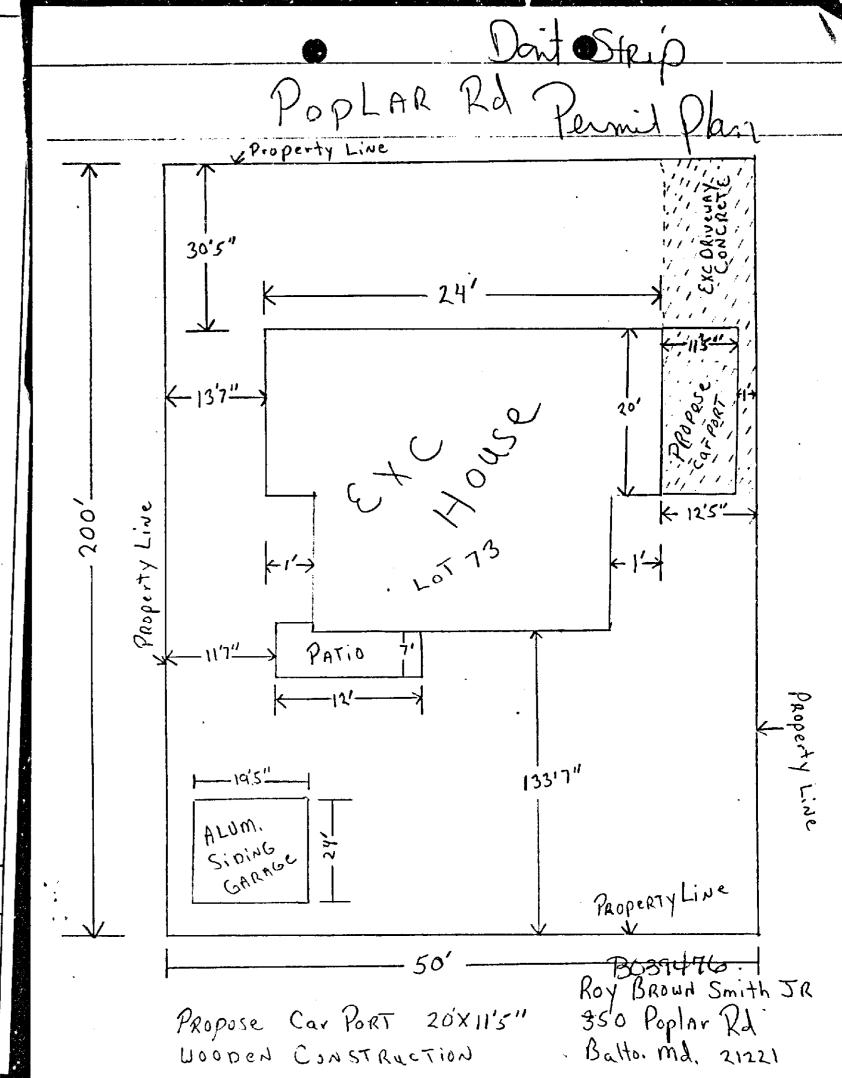
ALUM, SIDING 27.**7**' GARAGE Lot 72 Lot 73 Lot 74 COVERDO CONC, PATIO FR. DWELL . 4.5' SIDEWALK & CURB POPULAR ROAD (40' PW) CURB LINE 1205 Hillshire Road Baltimore, Maryland 21222

WIRE FENCE

LEWIS & SELBY LAND SURVEYORS
P.O. Box 1066
Langley Park, Maryland 20787 NOTE: This drawing is not intended to establish property lines

HOUSE LOCATION 350 POPULAR ROAD BACK RIVER HIGHLANDS
ESSEX
BALTIMORE COUNTY, MARYLAND
Plat Scale 1"- 20" Recorded In Plat Book FILE: 102586

I hereby certify that the position of all of the existing improvements on the above described property has been established by a transit tape measurement and that unless otherwise shown there are no encroachments, PROPOSE Car PORT 20X11'5"
WOODEN CONSTRUCTION Registered Land Surveyor Maryland No. 943



Baltimore County Zoning Commissioner
County Office Building County Office Building
111 West Chesapeake Avenue
Towton, Maryland 21204

Account: R 00 , 6150 Number A Property to the more

90-148-A

Tind to the this etti. LOG TO THE STORE CHARLESTEE I

111 1.8 . 1 1 (1) . Mi. continue of the Relation

B Cl3*****10868:a #U14F Please make checks payable to: Baltimora County Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353 J. Robert Haines Zoning Commissioner



Your petition has been received and accepted for filing this

J. Robert Haires ZONING COMMISSIONER

Received By:

Coming Plans Advisory Committee

Petitioner: Roy B. Smith, et ux Petitioner's Attorney:

26th da, of August, 1989.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Baltimore, MD 21221

Nurray of Engineering Department of

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

State Roads Commissio Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial Development

nor are the existance of corner

markers guaranteed. All information

shown hereon taken from the land

records of the county in which the

DATE: 27 OCTOBER 1986 CASE:

property is located.

Mr. & Mrs. Roy B. Smith 350 Popolar Road

RE: Item No. 11, Case No. 90-148-A Petitioner: Roy B. Smith, et ux Petition for Zoning Variance

Ocotber 24, 1989

Dear Mr. & Mrs. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, Zoning Plans Advisory Committee

JED:jw Enclosures

POPULAR KOAD (40 MW) 4 SidewALK + CURB CURB LINE 1 Replace Drive way -PROPOSE CAR PORT (OPEN) Riverside Rd 86 707 PLATFOR Zoning VARIANCE OWNER- Roy & Burbya Smith 16,000 SC ft . 2295 ac District 15 SubDivision - Back Rue-Highlands LOT 73. Section F Fulio 385/Phut Book 4, Folio 65 Scace: 1=201

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

JULY 24, 1989

Paul H. Reincke Chief

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Dennis F. Rasmussen

RE: Property Owner:

ROY B. SMITH, JR.

Location:

NE/S OF POPULAR ROAD

11 Item No.:

Zoning Agenda: JULY 25, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

JK/KEK

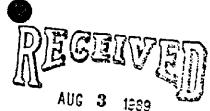
Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

Mr. J. Robert Haines

Zoning Commissioner

Towson, MD 21204

County Office Building



ZONING OFFICE

July 31, 1989



Dear Mr. Haines:

MSF/lab

The Bureau of Traffic Engineering has no comments for items number 9, 10, 11; 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Very truly yours

Traffic Engineer Associate II

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: October 19, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

Roy B. Smith, Jr., Item 11

SUBJECT: Zoning Petition No. 90-148

The petitioner requests a Variance to permit a 0 ft. side yard setback in lieu of the minimum 7.5 ft. for an open projection (open carport).

In reference to this request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

OCT 2 4 1989